

REMARKS

Claims 1 and 6 have been cancelled. Claims 2 and 7 have been amended. Corrected drawings are submitted herewith. Reexamination and reconsideration are respectfully requested.

Applicants' counsel wishes to thank the Examiner for the courtesies extended during the personal interview on June 11, 2003. The following records the substance of the interview.

Regarding the drawing objection, as discussed, Applicants have corrected Figure 1 and submit another Figure separately showing the two embodiments. A corresponding notation has been made in the specification. No new matter has been added.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse this rejection as discussed during the interview.

Applicants' amended independent claims 2 and 7 describe an electronic control unit and method for automatically activating a parking brake in a motor vehicle startable without a mechanical key. As pointed out, these preambles define the field of the invention as being those motor vehicles that are startable without a mechanical key. In the Office Action, the reference to the magnetic card 19 functioning as a "key in the ignition" is not related to a vehicle being startable without a mechanical key, as the magnetic card is clearly described and understood to be an electronic authorization verification device for starting the motor vehicle.

In the Office Action, claims 1-3 and 6-8 were rejected as obvious over admitted prior art disclosed in the specification in view of WO 00/37836. Applicants have now cancelled independent claims 1 and 6 and have amended claims 2 and 7 to be in independent form. As discussed during the interview, Applicants submit claims 2 and 7 are patentable over the cited art.

Claim 2 recites an electronic control unit that automatically activates the parking brake in dependence on at least one specified operating parameter, which operating parameter is the shutting-off of an internal combustion engine of the motor vehicle. Additionally, means for arbitrarily preventing the automatic activation of the parking brake when said activation would otherwise occur based on the shutting-off of the engine are also provided. As described in the specification, these means can include a key button or holding shaft operating as a switch triggerable in an arbitrary manner by the user of the motor vehicle.

By contrast, neither the admitted prior art or WO '836 disclose such a feature. Applicants' clarification of claim 2 makes clear that the means for arbitrarily preventing the automatic activation is not the same operating parameter that automatically activates the parking brake. Hence, the Examiner's argument that the door sensor and/or seat sensor described in the prior art for activating the parking brake cannot likewise function as a means for arbitrarily preventing the automatic activation. Hence, Applicants submit independent claim 2 is patentable over the prior art of record.

Similarly, Applicants have amended method claim 7 to be in independent form and to include similar limitations. Hence, claim 7 is also submitted to be patentable.

Finally, claims 3-5 and 8-9 depend from claims 2 and 7, respectively, and are also submitted to be patentable.

Regarding the double patenting rejection, Applicants submit a terminal disclaimer herewith.

For the foregoing reasons, Applicants submit claims 2-5 and 7-9 are now in condition for allowance. An early notice to that effect is solicited.

Summarizing, Applicants have made an important contribution to the art to which the present subject matter pertains, for which no counterpart is shown in any of the art or combination of same. The invention is fully set forth and carefully delimited in all claims in this case. Under the patent statute, Applicants should not be deprived of the protection to which they are entitled for this contribution. Accordingly, it is respectfully requested that favorable reconsideration and an early notice of allowance be provided for all remaining claims.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/50213).

Respectfully submitted,

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Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

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